

Message Text

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SUBJECT: AMBASSADOR RICHARDSON'S PRESS CONFERENCE ON LOS
AND THE USG REVIEW OF US INTERESTS IN LOS

1. FOLLOWING IS TEXT OF STATEMENT MADE BY AMBASSADOR
RICHARDSON AND DISTRIBUTED AT MARCH 16 PRESS CONFERENCE.
TRANSCRIPT OF Q'S AND A'S WILL FOLLOW BY SEPTTEL. POSTS ARE
REQUESTED TO DELIVER COPIES TO HOST GOVERNMENTS AND REPORT
REACTIONS RECEIVED THEREAFTER TO BOTH DEPARTMENT AND GENEVA.
POSTS MAY FEEL FREE TO MAKE OTHER DISTRIBUTION AS APPROPRI-
ATE.

2. BEGIN TEXT:

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-- IN LESS THAN TWO WEEKS, REPRESENTATIVES OF 156 COUNTRIES
WILL ASSEMBLE IN GENEVA AT THE SEVENTH SESSION OF THE THIRD
UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA TO TRY ONCE
AGAIN TO HAMMER OUT A COMPREHENSIVE TREATY.

-- THE LAST ATTEMPT TO REACH AGREEMENT, AT THE SIXTH SESSION
HELD IN NEW YORK LAST SUMMER, ENDED IN DISARRAY -- AND FROM
THE US POINT OF VIEW -- SETBACK AND DISILLUSIONMENT.

-- THROUGH THE EXERCISE OF PROCEDURAL SLEIGHT-OF-HAND,

"

COMPROMISES ON THE EXPLORATION AND EXPLOITATION OF THE DEEP SEABED--AN ISSUE OF PARAMOUNT IMPORT TO THE U.S. AND A HOST OF OTHER NATIONS--WERE SUMMARILY DISCARDED.

-- THESE COMPROMISES--STRUCK AFTER WEEKS OF PAINSTAKING EFFORT AND OPEN DISCUSSION--WERE REPLACED IN THE NEGOTIATING TEXT BY PROVISIONS DEVELOPED IN SECRET THAT ARE CLEARLY INIMICAL TO ESSENTIAL U.S. INTERESTS.

-- DISTURBED BY THIS ABRIDGMENT OF DUE PROCESS, AND UNSURE OF THE ADVANTAGES OF CONTINUED PARTICIPATION, I FELT CONSTRAINED TO RECOMMEND TO THE PRESIDENT THAT THE U.S. UNDERTAKE A SEARCHING REVIEW OF BOTH CONFERENCE PROCEDURES AND THE SUBSTANTIVE MATTERS BEFORE IT.

-- THIS REVIEW IS STILL IN PROCESS. IT IS SO ADVANCED, HOWEVER, THAT I CAN NOW APPROPRIATELY SHARE WITH YOU ITS PRINCIPAL CONCLUSIONS WHICH GUIDE OUR PREPARATIONS FOR THE FORTHCOMING SESSION.

-- THE FIRST ISSUE TO COME UNDER SCRUTINY WAS THE CONUNCLASSIFIED

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TINUED DESIRABILITY OF WORKING TOWARD A TREATY. IN LIGHT OF DISCOURAGING REVERSES, DID THE U.S. STILL BELIEVE THAT A TREATY WAS IN ITS NATIONAL INTEREST?

-- THE RESPONSE TO THAT QUESTION REMAINS AFFIRMATIVE. WE ARE STILL CONVINCED THAT A NEW MAGNITUDE OF GLOBAL ORDER CAN EMANATE FROM SUCCESSFUL NEGOTIATIONS ON THE LAW OF THE SEA. A TREATY DEEMED JUST AND EQUITABLE BY THE WORLD COMMUNITY CAN DRAMATICALLY ENHANCE THE PROSPECTS FOR THE RULE OF LAW.

-- BUT COMMITMENT ALONE CARRIES NO GUARANTEE OF SUCCESS. AGREEMENT AT THE SEVENTH SESSION CAN COME ONLY THROUGH AN EXERTION OF POLITICAL WILL AND A DETERMINATION BY ALL NATIONS TO FORGE AN ACCOMMODATION THAT LEAVES NO NATION WITH ITS ESSENTIAL INTERESTS IMPAIRED.

DEEP SEABED MINING:

-- FOR THE U.S., SUCCESS OF THE CONFERENCE WILL DEPEND ON UNRAVELLING THE TANGLE OF CONFLICTS SURROUNDING THE DEEP SEABED MINING ISSUE. MORE THAN OUR ESSENTIAL INTERESTS ARE AT STAKE IN THIS AREA. THERE IS OPPORTUNITY HERE TO ESTABLISH A PRECEDENT WHICH CAN SERVE AS A BLUEPRINT FOR THE DEVELOPMENT OF FUTURE INTERNATIONAL INSTITUTIONS CONCERNED WITH COMMON RESOURCES.

-- THE DEEP SEABED BEYOND AREAS OF NATIONAL JURISDICTION CONTAINS VAST QUANTITIES OF NODULES THAT CAN BECOME A MAJOR SOURCE OF THE NICKEL, MANGANESE, COBALT AND COPPER NEEDED BY AN INCREASINGLY INDUSTRIALIZED WORLD.

-- WE SUPPORT THE CONCEPT OF AN INTERNATIONAL AUTHORITY THAT WOULD SUPERVISE THE CONDUCT OF DEEP SEABED MINING. WE BELIEVE THAT REVENUES STEMMING FROM THESE MINING OPERATIONS SHOULD BE SHARED AMONG THE NATIONS OF THE UNCLASSIFIED

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WORLD. YET THE CURRENT NEGOTIATING TEXT WOULD DISCOURAGE ENTRY INTO THE DEEP SEABED BY THOSE NATIONS WHICH ARE BOTH ABLE TO EXTRACT ITS MINERALS AND HAVE A GROWING NEED FOR THEM. THE TEXT IMPOSES ONEROUS FINANCIAL CONDITIONS, DICTATES MANDATORY TRANSFER OF TECHNOLOGY AS A CONDITION OF ACCESS, AND CONTAINS SEVERAL OTHER FEATURES WHICH WOULD COMBINE TO DETER ENTREPRENEURS FROM INVESTING THE 700 - 900 MILLION DOLS. REQUIRED TO BRING A SINGLE MINING SITE INTO PRODUCTION.

-- OUR POSITION ON MINING THE DEEP SEABED IS CLEAR:

1) WE ACCEPT A DUAL SYSTEM OF DEVELOPMENT WHICH WILL GIVE STATES AND COMPANIES, AS WELL AS THE INTERNATIONAL ENTERPRISE, REASONABLE ASSURANCE OF ACCESS TO SEABED RESOURCES. WE REJECT THE CONCEPT OF RIGID STATE CONTROL-ISM PROJECTED ON A GLOBAL SCALE.

2) WE ACCEPT SOME LIMITATION ON PRODUCTION OF SEABED MINERALS IN DEFERENCE TO THE ESSENTIAL INTERESTS OF LAND-BASED PRODUCERS--BUT NOT TO THE EXTENT THAT IT EXCESSIVELY RESTRICTS THE AVAILABILITY OF RESOURCES NEEDED BY AN EXPANDING WORLD ECONOMY.

3) WE BELIEVE THAT THE AUTHORITY SHOULD BE CONTROLLED IN WAYS THAT ADEQUATELY TAKE INTO ACCOUNT SUCH FACTORS AS PRODUCTION, INVESTMENT, AND CONSUMPTION--AND NOT BE BASED ON THE SIMPLISTIC, IDEOLOGICAL PLATFORM OF ONE NATION, ONE VOTE.

-- THERE IS ROOM FOR COMPROMISE IN THESE POSITIONS, BUT THE FUNDAMENTAL CONCERN THEY EXPRESS CANNOT BE IGNORED. IF THE FINAL TEXT FAILS TO RECOGNIZE THESE CONCERNS, THE UNCLASSIFIED

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U.S. COULD NOT BECOME A PARTY TO IT.

-- UNFORTUNATELY, WE CANNOT BE CONFIDENT THAT WE SHALL BE ABLE TO ACHIEVE OUR GOALS.

-- IT FOLLOWS THAT THE U.S. MUST STAND READY TO PROTECT ITS INTERESTS SHOULD AN UNBRIDGEABLE SPLIT APPEAR IN THE COURSE OF THE NEGOTIATIONS.

-- THERE IS LITTLE DOUBT THAT MINING WILL BEGIN DURING THE NEXT DECADE REGARDLESS OF THE OUTCOME OF THE LAW OF THE SEA CONFERENCE. THE FORCES ALREADY IN MOTION HAVE AN IRRESISTIBLE MOMENTUM. THE DEEP SEABEDS ARE A NEW AND INVITING FRONTIER, READY FOR EXPLOITATION. TECHNOLOGY IS BECOMING INCREASINGLY ADVANCED. SHOULD THE CONFERENCE FAIL TO REACH AGREEMENT ON A SEABED MINING REGIME, IT WOULD BE A DISTORTION OF THE CONCEPT OF THE SEABEDS AS THE COMMON HERITAGE OF MANKIND TO ALLOW THIS CONCEPT TO PREVENT THE DEVELOPMENT OF THIS IMPORTANT NEW RESOURCE.

-- ON THE DOMESTIC FRONT, LEGISLATION TO FACILITATE THE INITIATION OF DEEP SEABED MINING OPERATIONS BY AMERICAN CORPORATIONS IS MOVING THROUGH CONGRESS. THE ADMINISTRATION FAVORS THIS LEGISLATION--NOT FOR USE AS A CLUB TO BEAT DOWN OPPOSITION IN GENEVA--BUT IN THE BELIEF THAT WE MUST BE PREPARED TO PROVIDE THE NECESSARY ENCOURAGEMENT AND SUPPORT TO OUR INDUSTRY IN ITS DEVELOPMENT OF THIS NEW RESOURCE WHETHER OR NOT A COMPREHENSIVE TREATY ON THE LAW OF THE SEA CAN BE NEGOTIATED. I DO NOT, HOWEVER, ANTICIPATE CONGRESSIONAL PASSAGE OF A SEABED MINING BILL UNTIL SOME TIME AFTER THE SEVENTH SESSION CLOSES ON MAY 19TH.

THE OTHER MAJOR U.S. INTERESTS:

-- OUR REVIEW HAS REACHED CERTAIN CONCLUSIONS REGARDING UNCLASSIFIED

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OTHER MAJOR LAW OF THE SEA INTERESTS:

-- NAVIGATION AND SECURITY INTERESTS. AS A GLOBAL POWER WITH EXTENSIVE INTERESTS IN THE MAINTENANCE OF HIGH SEAS FREEDOMS, THE U.S. HAS PLACED MUCH EMPHASIS IN THE NEGOTIATIONS ON MAINTAINING THOSE FREEDOMS IN THE FACE OF UNILATERAL ACTIONS THAT PURPORT TO ASSERT NATIONAL JURISDICTION OF VARIOUS KINDS OVER THE HIGH SEAS.

-- THE NEGOTIATING TEXT BEFORE THE CONFERENCE PROVIDES FOR FREEDOMS OF NAVIGATION THROUGH, OVER AND UNDER INTERNATIONAL STRAITS BY MILITARY AND COMMERCIAL VESSELS

AND AIRCRAFT. IT ALSO MEETS THE ENVIRONMENTAL AND SAFETY OF NAVIGATION CONCERNS OF THE STRAITS STATES.

-- THE TEXT MAKES CLEAR THAT BEYOND A 12-MILE TERRITORIAL SEA, THE HIGH SEAS FREEDOMS OF NAVIGATION AND OVERFLIGHT

AND THE LAYING OF SUBMARINE PIPELINES AND CABLES AND OTHER TRADITIONAL USES OF THE SEA RELATED TO THOSE FREEDOMS SHALL BE FULLY MAINTAINED.

-- ALTHOUGH OUR MARITIME INTERESTS AND RESPONSIBILITIES WOULD IN ANY CASE COMPEL US TO INSIST ON THE EXERCISE OF TRADITIONAL NAVIGATIONAL FREEDOMS, IT IS CLEAR THAT FAILURE TO ACHIEVE A COMPREHENSIVE TREATY WOULD ENTAIL LESS STABILITY AND HIGHER COSTS. IT IS THUS OUR CONCLUSION THAT A LAW OF THE SEA TREATY WHICH ADEQUATELY SAFEGUARDS THESE FREEDOMS WOULD BE CLEARLY PREFERABLE.

-- FISHERIES. THE U.S. SEEKS TO SECURE WIDE ACCEPTANCE OF INTERNATIONAL STANDARDS FOR CONSERVATION AND OPTIMUM UTILIZATION OF MARINE LIVING RESOURCES.

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-- IN ADDITION, WE HAVE SPECIFIC AND IMPORTANT COMMERCIAL INTERESTS IN OUR OWN COASTAL FISHERIES AS WELL AS IN SALMON, TUNA, AND SPECIES OFF THE COASTS OF OTHER COUNTRIES. WE ARE ALSO DEEPLY CONCERNED ABOUT THE PROTECTION OF MARINE MAMMALS. U.S. INTERESTS IN COASTAL SPECIES WITHIN 200 MILES ARE ALREADY PROTECTED BY THE FISHERIES MANAGEMENT AND CONSERVATION ACT OF 1976. THE NEGOTIATING TEXT DOES, HOWEVER, SERVE OUR INTERESTS IN REGARD TO SALMON, TUNA AND FISHERIES OFF THE COASTS OF OTHER STATES.

-- IT SHOULD BE NOTED, HOWEVER, THAT A COMPREHENSIVE TREATY WILL NOT OF ITSELF FULLY PROTECT THESE U.S. INTERESTS BUT RATHER WILL FOSTER REGIONAL AND BILATERAL AGREEMENTS. FINALLY, THE NEGOTIATING TEXT DOES PROMOTE INTERNATIONAL RECOGNITION OF THE NEED TO PROTECT MARINE MAMMALS.

-- WE BELIEVE THAT THE UNDERSTANDABLE AND LEGITIMATE INTERESTS IN FISHERIES OF THE LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES SHOULD BE FAIRLY ACCOMMODATED AS PART OF AN OVERALL PACKAGE.

-- CONTINENTAL SHELF. IT IS ESTIMATED THAT THERE ARE SIGNIFICANT AMOUNTS OF EXPLOITABLE PETROLEUM BENEATH THE CONTINENTAL MARGIN OFF OUR COASTS. WE SUPPORT THE COUPLING OF COASTAL STATE JURISDICTION OVER CONTINENTAL

MARGIN RESOURCES BEYOND 200 MILES WITH REVENUE SHARING FOR THE BENEFIT OF THE DEVELOPING COUNTRIES. ALTHOUGH THE CONFERENCE HAS NOT YET AGREED UPON A PRECISE DEFINITION OF THE OUTER LIMITS OF THAT JURISDICTION, WE HAVE EVERY REASON TO BELIEVE THAT SUCH A DEFINITION CAN BE NEGOTIATED. THE OPEN-ENDED FORMULA NOW CONTAINED IN THE NEGOTIATING TEXT IS UNDESIRABLY VAGUE AND MIGHT BE SO INTERPRETED AS TO LEAD TO EXCESSIVE CLAIMS OF

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JURISDICTION.

-- WITHOUT A TREATY, THE U.S. INTEREST IN THE RESOURCES OF THE CONTINENTAL MARGIN WOULD NEVERTHELESS BE PROTECTED. A COMPREHENSIVE TREATY, HOWEVER, WOULD ENABLE US TO PROTECT THIS INTEREST WITH GREATER PREDICTABILITY.

-- MARINE SCIENTIFIC RESEARCH. THE U.S. PLACES A HIGH VALUE ON THE CONDUCT OF RESEARCH ON A FREE AND BROAD BASIS, ACCOMPANIED BY A MAXIMUM FLOW OF INFORMATION WITH RESPECT TO BOTH THE CONDUCT OF THE RESEARCH AND ITS RESULTS.

-- UNFORTUNATELY, THE U.S. HAS BEEN UNABLE TO FIND MORE THAN MINIMAL SUPPORT IN THE NEGOTIATIONS FOR THE CREATION OF A FREE AND OPEN MARINE SCIENTIFIC REGIME IN THE ECONOMIC ZONE AND ON THE CONTINENTAL SHELF. THE CONSEQUENCE IS THAT THE NEGOTIATING TEXT CONTAINS UNDESIRABLY BROAD PROVISIONS REQUIRING COASTAL STATE CONSENT FOR RESEARCH TO BE CONDUCTED WITHIN 200 MILES. WHILE THE NEGOTIATING TEXT INTRODUCES A DEGREE OF PREDICTABILITY THAT WOULD MAKE THE ADMINISTRATION AND PLANNING OF RESEARCH EASIER, IT ALSO CREATES RATHER COMPLICATED CONDITIONS FOR THE GRANTING OF CONSENT. IN WEIGHING THE PROSPECTIVE BENEFITS OF A COMPREHENSIVE TREATY, THEREFORE, SCIENCE MUST BE SEEN AS A NEUTRAL FACTOR. AT A MINIMUM, FREEDOM OF RESEARCH MUST BE MAINTAINED BEYOND THE ECONOMIC ZONE AND ON THE DEEP SEABED.

-- MARINE ENVIRONMENTAL PROTECTION. THE U.S. HAS A MAJOR INTEREST IN PROTECTING ITS COASTAL AREAS FROM ALL FORMS OF POLLUTION. REGARDING VESSEL SOURCE POLLUTION, THE NEGOTIATING TEXT ESTABLISHES A MIXED SYSTEM OF PORT UNCLASSIFIED

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STATE, COASTAL STATE AND FLAG STATE JURISDICTION THAT, GIVEN SHIPPING PATTERNS OFF OUR COASTS, WOULD AFFORD SUBSTANTIAL PROTECTION AGAINST HAZARDS TO THE MARINE ENVIRONMENT WITHIN 200 MILES. IT MUST BE NOTED THAT THE NEGOTIATING TEXT GIVES FLAG STATES THE RIGHT TO PREEMPT

JURISDICTION, ALBEIT WITH IMPORTANT EXCEPTIONS. PROTECTION OF THE MARINE ENVIRONMENT WILL THUS BE, IN PART, A FUNCTION OF THE RESPONSIBLE EXERCISE OF FLAG STATE JURISDICTION. AT THE SAME TIME, THE NEGOTIATING TEXT MAKES BINDING ON ALL PARTICIPATING STATES THOSE STANDARDS ADOPTED BY THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION. THE TREATY ALSO PROVIDES PROTECTION AGAINST

POLLUTION FROM CONTINENTAL SHELF RESOURCE ACTIVITIES, DEEP SEABED MINING AND OCEAN DUMPING. WHILE A TREATY CANNOT ACCOMPLISH ALL OF OUR MARINE ENVIRONMENTAL OBJECTIVES, IT WOULD CREATE A USEFUL FRAMEWORK FOR SAFEGUARDING THE MARINE ENVIRONMENT.

-- GLOBAL ORDER. OUR REVIEW HAS RECOGNIZED THAT AGREEMENT ON THE LARGE NUMBER OF ISSUES DEALT WITH BY THE CONFERENCE WILL INTRODUCE INTO THE INTERNATIONAL SYSTEM A GREATER MEASURE OF STABILITY AND PREDICTABILITY AND A COMMITMENT TO PEACEFUL SETTLEMENT OF DISPUTES. THE U.S. SHARES WITH THE WORLD COMMUNITY AS A WHOLE THE AIM OF AVOIDING CHAOS AND CONFLICT IN THE UTILIZATION OF THE WORLD'S OCEANS.

-- IF THE CONFERENCE SUCCEEDS IN NEGOTIATING A TREATY THAT SERVES THE SPECIFIC INTERESTS UNDER DISCUSSION, IT WILL HAVE FURTHER ADVANCED THE GOAL OF THE ELIMINATION OF CONFLICT IN INTERNATIONAL AFFAIRS. MOREOVER, IT WILL HAVE DONE SO LARGELY BY THE PROCESS OF CONSENSUS, AN IMPORTANT PRECEDENT IN ITSELF.

ALTERNATIVES:

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-- IT FOLLOWS THAT THE U.S. MUST BE PREPARED TO PROTECT ITS INTERESTS BY OTHER MEANS THAN A COMPREHENSIVE TREATY IF AN ACCEPTABLE TREATY PROVES UNATTAINABLE. INDEED, IT WOULD BE IRRESPONSIBLE NOT TO BEGIN CONSIDERATION OF VIABLE ALTERNATIVES. IN THE CASE OF DEEP SEABED MINING, RECIPROCAL LEGISLATION IS ONE SUCH ALTERNATIVE, BUT NOT NECESSARILY THE MOST DESIRABLE. ANOTHER POSSIBILITY-- ONE WHICH MIGHT BE REGARDED AS MORE CONSONANT WITH THE CONCEPT OF THE COMMON HERITAGE--WOULD BE A MULTILATERAL ARRANGEMENT IN WHICH ALL COUNTRIES COULD JOIN AND WHICH PROVIDED FOR REVENUE SHARING WITH DEVELOPING COUNTRIES. IN THE CASE OF OTHER SUBJECTS SUCH AS MILITARY AND COMMERCIAL NAVIGATION, SATISFACTORY ALTERNATIVES ARE LESS OBVIOUS, AND WE HAVE BEGUN AN EXAMINATION OF THE MEASURES THAT WOULD BECOME NECESSARY FOR THE PROTECTION OF THESE INTERESTS SHOULD THE CONFERENCE FAIL TO ACHIEVE AGREEMENT.

PROCEDURAL ISSUES:

-- THE LAW OF THE SEA INTERESTS OF THE UNITED STATES WHICH I HAVE DESCRIBED CAN ONLY BE SERVED IF THE CONFERENCE OPERATES ON THE BASIS OF OPEN DISCUSSION WITH BROAD, REPRESENTATIVE PARTICIPATION. SINCE THE SUMMER OF 1977 THIS OBJECTIVE HAS BEEN A MAJOR CONCERN OF A SERIES OF INTERSESSIONAL MEETINGS. ALTHOUGH A SUBSTANTIAL MEASURE OF AGREEMENT ON THESE PROCEDURAL MATTERS HAS BEEN DEVELOPED, DIFFICULT QUESTIONS REMAIN TO BE RESOLVED.

FOR THIS REASON, I AND A NUMBER OF COLLEAGUES INTEND TO
GO TO GENEVA NEXT WEEK. WE WILL DISCUSS THESE QUESTIONS
WITH REPRESENTATIVES OF THE GROUP OF 77, WHICH WILL BE
MEETING THERE DURING THE SAME WEEK, IN AN EFFORT TO FIND
ACCOMMODATIONS WHICH WILL PREVENT ANY PROTRACTED DELAY
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IN THE CONFERENCE.

CONCLUSION:

-- IN SUM, OUR REVIEW OF U.S. POSITIONS REINFORCES OUR
CONVICTION THAT A COMPREHENSIVE TREATY IS THE CLEARLY
PREFERABLE MEANS TO PROMOTE ORDERLY USE OF THE OCEANS
AND TO ENSURE RESPONSIBLE AND FRUITFUL DEVELOPMENT OF
THEIR RESOURCES.

-- THE WORLD COMMUNITY HAS BEFORE IT A SINGULAR
OPPORTUNITY TO CONSUMMATE A BREAKTHROUGH. WE ARE RESOLVED
TO DO EVERYTHING IN OUR POWER TO MAKE THIS COME TO PASS.
END TEXT. VANCE

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